

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHRISTOPHER JAMES IVORY,)
Petitioner,)
v.) Case No. 4:14 CV 2093 RWS
JAY CASSADY and CHRIS KOSTER,)
Respondents.)

MEMORANDUM AND ORDER

Petitioner Christopher James Ivory seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. I referred this matter to United States Magistrate Judge Patricia L. Cohen for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b).

On May 13, 2016, the Magistrate Judge filed an Order and Report and Recommendation addressing Respondents' second motion for an extension of time to file their response to the Court's Amended Case Management Order. Petitioner objected to Respondents' request for an extension of time and also sought a certificate of appealability. The Magistrate Judge granted the motion for an extension of time and recommended the denial of Petitioner's request for a certificate of appealability because the resolution of Respondents' second motion does not either implicate or resolve the merits or procedural status of any of Petitioner's habeas claims, and does not constitute a final order. *See* 28 U.S.C. § 2253(c); *see also* Rule 11 of the Rules Governing Habeas Corpus Cases Under Section 2254 ("[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant").

After careful consideration, I will adopt and sustain the reasoning of the Magistrate Judge and I will deny Petitioner's request for a certificate of appealability with respect to the granting of Respondents' second motion for an extension of time.

Accordingly,

IT IS HEREBY ORDERED that Judge Cohen's Report and Recommendation #[39] filed on May 13, 2016 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner's request for a certificate of appealability with respect to the granting of Respondents' second motion for an extension of time #[37] is **DENIED** and the Court will not issue a certificate of appealability.



Rodney W. Sippel
RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 6th day of June, 2016.